
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Pine Hills Broadcasting, Inc.)	File No. EB-03-DT-1244
Licensee of Radio Station WRIL)	
Facility ID # 52625)	NOV No. V20043236010
Pineville, KY)	

NOTICE OF VIOLATION

Released: January 29, 2004

By the District Director, Detroit Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Pine Hills Broadcasting, Inc., licensee of radio station WRIL.

2. On December 17, 2003, an agent of the Commission's Detroit Office inspected radio station WRIL, licensed to Pineville, Kentucky, and observed the following violation(s):

- a. 47 C.F.R. § 11.15: "The EAS Operating Handbook states in summary form the actions to be taken by personnel at broadcast stations...A copy of the Handbook must be located at normal duty positions or EAS equipment locations when an operator is required to be on duty and be immediately available to staff responsible for authenticating messages and initiating actions." At the time of inspection, no EAS Operating Handbook was available.
- b. 47 C.F.R. § 11.52(d): "Broadcast stations ... must monitor two EAS sources. The monitoring assignments of each broadcast station ... are specified in the State EAS Plan and FCC Mapbook. They are also developed in accordance with FCC monitoring priorities..." At the time of inspection, only one EAS source was being monitored and it was an incorrect EAS source.

¹ 47 C.F.R. § 1.89.

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- c. 47 C.F.R. § 11.61(a)(2)(i)(A): “Tests of EAS procedures...Required Weekly Tests:...AM, FM and TV stations must conduct tests...at least once each week and at random days and times...” During the period from November 2, 2003 to December 13, 2003, no EAS tests were sent.
- d. 47 C.F.R. § 73.1820(a)(1)(iii): “Station Log. Entries must be made in the station log...An entry of each test and activation of the Emergency Alert System (EAS)...” During the period from November 2, 2003 to December 13, 2003, no entries of EAS tests were entered in the station log.
- e. 47 C.F.R. § 73.1870(c)(3): “Chief Operators...The chief operator is responsible for completion of the following duties specified in this paragraph below. When these duties are delegated to other persons, the chief operator shall maintain supervisory oversight sufficient to know that each requirement has been fulfilled in a timely and correct manner...Review of the station records at least once each week to determine if required entries are being made correctly...Upon completion of the review, the chief operator or his designee must date and sign the log, initiate any corrective action which may be necessary, and advise the station licensee of any condition which is repetitive...” During the period from November 2, 2003 to December 13, 2003, there was no review of the station logs by the chief operator.
- f. 47 C.F.R. § 73.3526(c): “Local public inspection file of commercial stations...*Access to material in the file.* (1) The file shall be available for public inspection at any time during regular business hours...” At the time of inspection, the public file was not made available.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Pine Hills Broadcasting, Inc., must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

² 47 U.S.C. § 308(b).

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Detroit Office
24897 Hathaway Street
Farmington Hills, MI 48335

4. This Notice shall be sent to Pine Hills Broadcasting, Inc., Radio Station WRIL, P.O. Box 693, Pineville, Kentucky 40977.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

James A. Bridgewater
District Director
Detroit Office

JAB:mcr

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*